

SERVED: December 1, 1994

NTSB Order No. EA-4291

UNITED STATES OF AMERICA  
**NATIONAL TRANSPORTATION SAFETY BOARD**  
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 18th day of November, 1994

DAVID R. HINSON,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-12975
v.	)	
	)	
CARMEN J. CIAMPA,	)	
	)	
Respondent.	)	
	)	

**ORDER DENYING STAY**

Respondent has requested a stay of NTSB Orders EA-4210 and 4252, pending disposition of a petition for review of those orders respondent intends to file in the United States Court of Appeals for the 1st Circuit pursuant to Section 1006 of the Federal Aviation Act (49 U.S.C. 1486) and the NTSB Rules (49 C.F.R. 821.64). The Administrator opposes the request. We deny the petition.

In this case, we upheld a suspension of respondent's private pilot certificate for 180 days after finding that he engaged in a number of excessively low flights over congested water and land areas, and flew within the Boston terminal control area (TCA) without clearance and without an operating transponder. We also found that he had operated an aircraft without having had a current medical certificate since 1984, and during the course of the proceeding respondent denied having a prior FAA violation, a fact established by the Administrator.

We generally grant stays of our orders pending judicial review when the suspension affirmed is for less than 6 months. However, we have consistently denied stays in cases involving certificate revocation, because revocation is based upon a

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conclusion that the airman lacks the qualifications required of a certificate holder. Decisions in cases in between -- i.e., those involving suspensions of 6 months or more -- are made on a case-by-case basis, and are based on an evaluation of the seriousness of the violations affirmed. See Administrator v. Potanko, NTSB Order No. EA-3990 n. 2 (1993); Administrator v. Green, NTSB Order No. EA-3375 (1991).

Our order in this case affirmed serious violations by respondent of safety regulations. In our judgment, respondent's conduct (especially his operations in the TCA without a clearance or operating transponder, and his failure to obtain medical certification) are sufficiently egregious that a stay of the suspension would be contrary to the interests of aviation safety. The conduct on which the suspension was based demonstrates a disregard for aviation safety bordering on recklessness and a serious lack of compliance disposition. Accordingly, we think that a stay would be inconsistent with the public interest.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's motion for stay is denied.

HALL, Chairman, LAUBER, HAMMERSCHMIDT and VOGT, Members of the Board, concurred in the above order.